



CITY OF NORTH OAKS

Regular Natural Resources Commission Meeting
Monday, May 09, 2022
6 PM, Community Meeting Room, 100 Village Center Drive
MEETING AGENDA

Remote Access - *Natural Resource Commission members will participate by telephone or other electronic means pursuant to Minn. Stat. §13D.021. Any person wishing to monitor the meeting electronically from a remote location may do so by calling the following Zoom meeting videoconference number: 1-312-626-6799, Webinar ID: 872 8502 4341 or by joining the meeting via the following link: <https://us02web.zoom.us/j/87285024341>. Due to the existing COVID-19 Health Pandemic, no more than five (5) members of the public may be in Council Chambers (Community Room, 100 Village Center Drive, MN) during the meeting. Once room capacity is met, anyone wishing to attend the meeting above the five (5) members of the public who may be present in the room during the meeting will be required to monitor the meeting remotely.*

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Citizen Comments - *Members of the public are invited to make comments to the Commission during the public comments section. Up to four minutes shall be allowed for each speaker. No action will be taken by the Commission on items raised during the public comment period unless the item appears as an agenda item for action.*

5. Approval of Previous Month's Minutes

5a. Approval of April 11, 2022 Natural Resource Commission Meeting Minutes
[4.11.2022 NRC Meeting Minutes.pdf](#)

6. Business Action Items

6a. Discussion on Dark Sky communities and tactics

6b. Discussion and possible action on Climate Action Resolution
[Version 2 - Draft Climate Action Resolution.pdf](#)

7. Commissioner / Staff Reports - - *Tick Task Force Report*
- Community Outreach

- *NOHOA/ NEST Report*
- *City Forester Report*
- *VLAWMO Tech Report*
- *City Report*

8. Next Meeting: Monday, June 13, 2022

9. Adjourn

**North Oaks Natural Resources Commission
NRC Meeting Minutes
Virtual Meeting via Teleconference or Electronic Means Only
April 11, 2022 at 6 p.m.**

1. CALL TO ORDER

Chair Dunn called the meeting of April 11, 2022 to order at 6:00 p.m.

2. ROLL CALL

NRC members participated **by telephone or other electronic means** pursuant to Minn. Stat. § 13D.021.

Present: Chair Shannon Dunn, Commissioners Paul Ellis, Andrew Hawkins, Penny Kianian, Bob Larson, Damien LePoutre, Addison Motta, David White, City Council Liaisons James Hara (joined at 6:13 p.m.) and Tom Watson, City Administrator Kevin Kress

Absent: None

Others: City Septic Inspector Brian Humpal, City Forester Mark Rehder

A quorum was declared present.

3. APPROVAL OF AGENDA

City Administrator Kress requested to start the meeting with the septic discussion in order to allow Brian Humpal to speak first.

MOTION by Kianian, seconded by Larson, to approve the agenda as amended.

MOTION carried unanimously by roll call vote.

4. CITIZEN COMMENTS

None.

5. APPROVAL OF PREVIOUS MONTH'S MINUTES

Commissioner Hawkins corrected the highlighted section to read “fungicide”, and to switch his name with Chair Dunn’s name in the signature line.

MOTION by Hawkins, seconded by Larson, to approve the March 14, 2022 meeting minutes.

MOTION carried unanimously by roll call vote.

6. BUSINESS ACTION ITEMS

6a. Discussion on Septic and Wastewater

- Chair Dunn started the discussion by asking what the requirements are for maintenance of septic systems in North Oaks, and if the every two years pumping requirement also includes an inspection. Septic Inspector Brian Humpal said that companies that do pumping will include a very basic inspection of the system, but they are not certified to do a full compliance inspection and therefore don't include much detail in their reports.
- Commissioner LePoutre asked for clarification on whether the city requirement is just to pump or whether it is a full inspection? At the City Council level, he thought there was directive to give a full inspection every two years. Humpal said he was only aware of a pumping requirement, not a full compliance inspection.
- Commissioner Kianian asked if inspections are required at point of sale, and is there a list of companies that are recommended for maintenance. She also asked what the life expectancy of a septic system is. Humpal explained there is no point of sale requirement. It is up to the buyer and seller to decide if a compliance inspection is needed. He said there was a discussion on point of sale at the council level a few years ago but no action taken. Humpal said he works for another community close to North Oaks with 410-420 septic systems (North Oaks has about 1200). He sees more reports from the smaller city than North Oaks. The life expectancy of a system is typically 30-40 years. The city does maintain a list of contractors that commonly work in North Oaks, although this list is not an endorsement and any licensed contractor is eligible to do septic maintenance in the city.
- Commissioner LePoutre asked if contractors who do septic pumping also do inspections. Humpal explained that septic pumpers typically do not also do compliance inspections, but the list that the city maintains also includes companies that do these inspections.
- Commissioner Hawkins asked if the state requires inspections. Humpal said the state only requires pumping, not maintenance. On a state level, pumping is required every 3 years. Commissioner Hawkins asked how well septic systems treat cleaning chemicals that are pumped down the drain. How do we know if drinking water is safe? Humpal said that septic systems are very effective at treating biological waste. As for chemical waste, this comes down to dilution of the product. Typically, a residential household is not using enough of these products to be a problem. Systems that are functioning well, that don't have soil separation or are cesspool systems treat the waste well.
- Commissioner LePoutre asked whether the county or state have any point of sale requirements, and if other cities usually require it. He said he believed the feedback in the past was that realtors did not want it. Humpal confirmed that there is no point of sale requirement at the state or county level. From previous research he did in 2019, he believes about 67% of communities that regulated septic systems required point of sale inspections. Most of the jurisdictions that regulate septic systems are counties are counties. In the case of Ramsey County, they left it up to the individual cities.
- Commissioner LePoutre asked what enforcement is happening to ensure maintenance. Humpal said that in North Oaks, we track maintenance and we are rigorous with enforcement. There is no required inspection component, but we are thorough with maintenance. Septic pumping is considered maintenance. When we refer to inspection, we mean a compliance inspection, which must be done by someone with a special license. The person pumping the tank would not necessarily have this license.

- Commissioner LePoutre said that at a city meeting a few years ago, there was a presentation on the number of systems in North Oaks and the number of cesspools. He asked if there is any update on improving systems and decreasing the number of cesspools. Humpal said he can get the exact numbers for the Commission, but typically he sees about 15-20 new systems being installed each year. Half of these are new construction and half are replacement systems. He said that this rate of replacement has been pretty typical for many years, and that he is not sure if there has been any specific push more cesspool replacement. He suggested that COVID may have been a factor in delaying any initiatives on this.
- Councilor Watson noted that Ordinance 51.02 part 10 clearly talks about maintenance and inspection of tanks every 2 years. He suggested we probably haven't enforced the inspection of the tanks specifically. Humpal said that the reference to inspection may have been a reference to a tank measurement that can be done as an alternative to pumping if resident does not believe the tank to be full. Pumpers can inspect and measure accumulated solids in the tank and put off pumping for a year if it is within appropriate limits. The only legal inspection is a compliance inspection. Councilor Watson also asked if septic pumpers pay a fee. Humpal said yes, every time they file a report they pay a \$20 pumping fee. Councilor Watson asked why we don't consider a qualification system such as a license? Humpal said that other communities have looked into it and the state said they would need to institute a training program, continuing education, etc. This made city licensure not practical. We can ask contractors to become licensed, but most of the time licensure is meant to insure against damages to public property. Humpal further stated that he's not sure we would see much benefit from requiring licensure. Most of the companies that perform pumping services in North Oaks are small, and most of the people are already licensed contractors.
- Councilor Watson asked Septic Inspector Humpal what are priorities for ISTS as they are implementing them today? Humpal said that the most critical systems to address are systems that have a threat to public health or safety, second are cesspools, where there is no human contact with wastewater but no treatment is occurring, and third are systems that are not cesspools but those that don't have the required soil separation.
- Commissioner LePoutre said although the risk of failure is not very high, how can we detect system failure if there are no inspections occurring? Could we require inspection every few years if not every time pumping occurs? Humpal said that failing systems are usually pretty well self-regulated. They get noticed by homeowners pretty quickly or they will get a complaint from a neighbor, passerby, etc. He said that cesspools are an automatic failure in a compliance inspection, but there are currently no means to force someone to get an inspection and trigger replacement. Humpal said he believes the easiest way to solve all of these issues is to require a point of sale inspection.
- Commissioner White asked where the MN Department of Health stands on this? Humpal said they are not involved. It is MPCA that regulates septic.
- Councilor Watson said there are issues with a point of sale requirement. The turnover of homes in North Oaks may not happen fast enough to really move cesspool replacement significantly. He also noted that there are loopholes, and that if someone puts their home into a trust or an LLC and it is transferred to a family member, point of sale inspection requirements are avoided. Commissioner Kianian suggested you might catch transfers within a family with remodeling projects that trigger inspections.

Councilor Watson said this would only apply when adding square footage to the house. He also noted we are now at the point where many older homes are being knocked down rather than remodeled.

- Chair Dunn asked if there any discussion about connecting more homes to city sewer? Humpal said this is very expensive, usually double or triple the cost of a replacement septic system.
- Commissioner LePoutre said we should not fail to create an ordinance because of the potential of people cheating, point of sale would still be helpful even though not perfect. Councilor Watson said he is not opposed to anything, he just wants to know all the information and facts.
- Chair Dunn requested that the group have further conversation on the topic at a future meeting, and decide if they will suggest any action to City Council at that time. Septic Inspector Humpal said Commissioner should feel free to reach out to him with any other questions in the future.

6b. Consideration of the Use of Biocontrols Against the Emerald Ash Borer

- City Forester shared a presentation on Emerald Ash Borer (EAB) and biocontrols. The full presentation is included in the packet. He noted that we have green, white, black and blue ash in North Oaks. Shared a presentation on Emerald Ash Borer and biocontrol information. We have many thousands of green, white, black and blue ash in North Oaks. About 95% of the community's ash trees are green, which are highly susceptible to EAB.
- One treatment for EAB is Emamectin benzoate. This has 90+% efficacy, but must be re-done every 2-3 years. This treatment is effective at a lot level, but not at a forest level.
- Researchers have given up on the idea of eradicating EAB in North America and are now focused on focused primarily on sanitation, and pre-emptive removals.
- There are some biocontrols that help, including purple loosestrife, goats and other pests that are specific to EAB.
- The MN Department of Agriculture has been releasing some biocontrols in areas throughout the state. Hopefully in time North Oaks will start to see some of the benefits. They Started releasing insects in 2010, ramped up in 2015 and then the numbers have gone down due to high demand in other areas. Rehder is not extremely optimistic that we will see more in Ramsey County, because they will most likely will be sent to outer areas of the state. Rehder has been told that North Oaks is likely not a good candidate to receive biocontrols from the state. He is not sure why this is, although the city can still apply for them.
- What can North Oaks do? Rehder recommended that we continue the sanitation program, encourage treatments to trees, perhaps with an incentive program, hold a residential workshop, continue to provide articles and to promote the resources we already have in place to educate and inform, and apply for biocontrols in the fall of 2022. He suggested that the city could look for sponsors/partners on this project, and it could also start looking for evidence of biocontrols that have migrated to the community from other areas.
- Commissioner LePoutre asked if there is an ordinance to take out trees that have been infected? What is the cost of treating? He also said biocontrols may be risky since they involve introducing foreign animals into new environment. He wondered if it would be

worth it for only 20% efficacy. Rehder said that EAB management is included in the shade tree ordinance, and that cost to treat a tree is about \$8-10 per diameter inch. This is easy for tree care companies to do and the efficacy is good, but it does have to be repeated over the long-term. As for the value of biocontrols, he said there are some other strategies we have going for us, including native parasitoids and cold weather, so even if biocontrols are only 20% effective, they could be a part of a successful multi-pronged approach toward reducing EAB.

- Commissioner Hawkins noted that City Forester Rehder recorded a video to help resident understand how to identify trees infected with EAB. He encouraged commissioners and others to watch the video, study up and be an educated resident. We have options for treating the disease, and the sooner we act the better.
- Chair Dunn asked if the biocontrols are still being monitored. Rehder said yes, although he is not sure how far out from release sites they are monitoring, possibly as much as 1-5 miles away.
- Chair Dunn asked if there are any suggested action items on this topic? Rehder said a workshop on EAB would be beneficial to community. He also suggested it would be worthwhile to try applying for biocontrols in the fall. Finally, looking for evidence of the biocontrol parasitized wasps could be a volunteer event for the community. Chair Dunn asked how the Commission could help with presentation? Rehder suggested getting in an outside speaker to educate people and identify a facility to hold the event. He suggested there may be some budget from the NRC or the Forestry budget could be used. Chair Dunn asked if he has and recommendations for potential speakers, someone from the DNR or the Department of Ag perhaps? Rehder said he will ask around.
- Rehder also gave a brief forestry report, noting that they got all of the oak trees down for the year. The full report is contained in the packet.
- Commissioner Hawkins added that the city has ordered soilless seedlings from DNR which can be passed out at upcoming events like the garden club sale. City staff will let commissioners know when they have arrived. Rehder will reach out to the garden club to make sure they can set up an informational booth.

6c. Discussion and Possible Action on Earth Day Activities

- Chair Dunn asked if the commission has ideas for celebrating earth day?
- City Forester Rehder noted that there is a brush pickup program planned for the end of May, and that the Rapp Farm area may be interested in participating.
- Commissioner LePoutre suggested a neighborhood cleanup as a community project. He wondered if the city could provide bags or other resources. Commissioner Hawkins said he thought this was a great idea, and that there is already something like this underway in the Rapp Farm neighborhood. Hawkins noted that he has a lot of extra trash bags he would be happy to share He is also happy to volunteer his pickup truck, and perhaps city can help with disposal of any larger items.
- Commissioner Motta suggested some sort of forum to submit picture of what people did, and what they found when out cleaning up. Perhaps a contest with a prize to entice people to act. Chair Dunn thought the North Oaks Magazine might be a good outlet for this. She also suggested the Facebook page or newspaper as well.
- Commissioner LePoutre wondered if it would be helpful to advise a specific time to encourage people to get together? Chair Dunn said she was thinking it might be helpful to encourage individual neighborhoods to organize times and events that work for

them. LePoutre suggested City Staff may be able to advertise via eblast and the newspaper.

- Commissioner Hawkins suggested a trash scavenger hunt could be fun. Chair Dunn said she will work on this idea and the picture submittal. Commissioner Motta said she will make a google form where people can submit pictures.

6d. Discussion and Possible Action on Wetland Ordinance Matters

- Councilor Watson and Chair Dunn shared a draft of a simplified version of the original wetland ordinance that was being considered earlier in the year. Chair Dunn noted that the document could include a note stating that this ordinance takes precedence over other wetland references in the code.
- Commissioner LePoutre noted that the proposal is very comprehensive and easy to understand. He suggested that all the references to wetlands in the code be added to this ordinance so it shows the importance. Chair Dunn said this could be a good interim step until we get around to updating the code.
- Commissioner Hawkins agreed that this would be an excellent idea. This document could act as a summary cover page with a table of contents for details. Councilor Watson said this is close to what he had in mind. At one point, he had shared a number of neighboring communities' code, and some were as simple as one line that said to refer to the wetland section of the DNR. North Oaks has a wetlands section in our comprehensive plan, although not many in the community would understand what it is and where to find it. Commissioner Hawkins discovered recently that the MN Department of Natural Resources has a wetland mapper that allows you to search specific communities. He likes the idea of our code being a citizen handbook rather than a recitation of other code.
- Chair Dunn said she will update the document with the commissioners' suggestions. Councilor Watson said he will go back and find his notes to share with Dunn and will collaborate with her to update the document.

7. COMMISSIONER / STAFF REPORTS

7a. Tick Task Force Reports

- Commissioner Hawkins said they had to cancel their last meeting. However, they have an action plan for the summer and will get another meeting scheduled soon.

7b. Community Outreach/Education

- Commissioner Motta said Kate Winsor is writing an article for North Oaks News about No Mow May. Motta is also working on an accompanying article about spring ephemerals and wildflowers that will be popping up soon.

7c. NOHOA / NEST

- Commissioner Hawkins shared a few updates on activities. There will be a seed collection day on an upcoming Saturday, and an Arbor Day event in Mary Hill Park. They are also working on developing inventories for each lake ecosystem in the area of what has already been done and what will continue to be done to support the environment.

7d. City Forester Report

- Mark Rehder shared his report in 6b.

7e. VLAWMO Tech Report

- Councilor Watson said there will be a Board of Directors meeting at the end of April.

7f. City Report

- Councilor Watson said that there was a Special City Council meeting last Tuesday, April 5 at which council approved the Gate Hill development and the final plan approval of Red Forest Way Phase 1 (16 out of 33 lots). He said the record will show that the city was asked to go to mediation with the company, and although they met twice, the mediator declared an impasse. City Council proceeded to make the decision to approve the plans. The case is not yet closed, however. North Oaks Company has not yet indicated whether they will drop lawsuit.
- Councilor Hara noted that Councilor Watson spent an enormous amount of time and did a wonderful job representing the city in the mediation.
- Councilor Watson shared that there was recently an article in the January 2022 edition of the Smithsonian magazine about the environmental benefits of large old hardwood trees. They have asked this to be considered when constructing road for the Red Forest Way development. He believes they should consider an urban design with curb and gutter. Councilor Hara noted that 1 mature tree is the equivalent of counteracting 1 household with two cars for a year.
- Councilor Watson suggested that he would like to see the City Forester reviewing and marking trees before new septic systems are added. He suggested this as an agenda item for a future meeting.
- Chair Dunn said that City Administrator Kress sent out intern description to commissioners. She asked them to please review it and provide comments.
- Chair Dunn also shared that Kate Winsor has revised the Climate Action resolution, and the plan is to present it at the next council meeting.
- Chair Dunn asked if the Commission should consider meeting in person at the next monthly meeting. Many of the Commissioners agreed. She said to let her or City Administrator Kress know if anyone is uncomfortable. Due to technical issues, the meeting cannot be done both zoom and in person – it has to be one or the other.

8. NEXT REGULAR MEETING:

Monday, May 9, 2022 at 6 p.m.

MEETING ADJOURNED:

MOTION by Hawkins, seconded by Motta, to adjourn the meeting at 8:13 p.m.

MOTION carried unanimously by roll call.

Kevin Kress, City Administrator

Chair, Shannon Dunn

Date approved: _____

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. xxxx**

A RESOLUTION FOR CLIMATE ACTION IN NORTH OAKS, MINNESOTA

WHEREAS, the City of North Oaks recognizes that climate change is caused by excess greenhouse gases, including carbon dioxide and methane, produced as a result of human activity; and

WHEREAS, in the past year, North Oaks experienced numerous climate change related impacts including a record June heat wave, a December tornado watch, dangerous air quality from drought-fueled forest fires where even healthy people were encouraged to remain inside, and water restrictions from the same drought, making it clear that the climate crisis is not only a future issue — it is affecting us here and now; and

WHEREAS, in Minnesota and in North Oaks, the ten warmest and wettest years ever recorded have all occurred since 1998, warming surface waters are leading to a significant loss of fish habitat for many prominent species as well as increasing the risk of harmful algae blooms, forests are changing as native northern species are strained by warming temperatures, crops are stressed by cycles of drought and floods, home insurance rates are rising, and faster warming winters are leading to new pests as well as shorter winter recreation seasons; and

WHEREAS, a transition to a clean energy economy, if not carefully planned, would have a disruptive impact on the livelihoods of many in our community while a well-planned transition may provide expanded job opportunities; and

WHEREAS, a large burden from an inadequate response to the climate crisis will be felt by the youngest generation, including the children and grandchildren of North Oaks; and

WHEREAS, the risks of climate change are too great for the City of North Oaks to remain silent;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF NORTH OAKS, THAT THE CITY:**

1. declares that climate change threatens our city, region, state, nation, humanity and the natural world; and
2. commits to working on climate action efforts through the leadership of the City's Natural Resources Commission; and
3. will continue with ongoing efforts and projects that address climate change, such as the City's recycling program, shoreline restoration, preserving heritage and shade trees, and more; and

4. will implement a range of innovative projects, programs, and public awareness campaigns for residents and commercial businesses throughout 2022 and beyond, including around solar energy, energy efficiency, sustainability, natural resources, and more; and
5. will develop a City of North Oaks Climate Action Plan; and
6. will collaborate with surrounding cities and local partners to identify larger, regional sustainability projects.

Adopted by the City Council of the City of North Oaks this 14th day of April, 2022.

By: _____
Kara Ries
Its: Mayor

Attested:

By: _____
Kevin Kress
Its: City Administrator

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Real property located in Ramsey County, Minnesota legally described as follows:

Tract D, Registered Land Survey No. 634, Ramsey County, Minnesota.

PID: 063022140021

Torrens Property